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| APPLICATION NO.                                                                                             | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/706,054                                                                                                  | 11/13/2003  | Gerard Baumgartner   | 033818-021          | 6354             |
| 7590                                                                                                        | 05/19/2005  |                      | EXAMINER            | HONG, JOHN C     |
| HAROLD R. BROWN III<br>BURNS, DOANE, SWECKER & MATHIS, L.L.P.<br>P.O. Box 1404<br>Alexandria, VA 22313-1404 |             |                      | ART UNIT            | PAPER NUMBER     |
| 3726                                                                                                        |             |                      |                     |                  |
| DATE MAILED: 05/19/2005                                                                                     |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                 |                    |
|------------------------------|-----------------|--------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)       |
|                              | 10/706,054      | BAUMGARTNER ET AL. |
|                              | Examiner        | Art Unit           |
|                              | John C. Hong    | 3726               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \*    c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08),  
Paper No(s)/Mail Date 12/5/03;11/13/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 4, "the holding" lacks antecedent basis.

Claim 2, line 3, "the beads" lacks antecedent basis.

Claim 2, line 5, "the working" lacks antecedent basis.

Claim 3, line 5, "the projection" lacks antecedent basis.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Branick (U.S. Patent 3130957).

Branick discloses machine for presenting a tire with the axis horizontal, allowing access to the inside of the tire, comprising: Regarding Claim 1, a frame (20) bearing an upright on which a support (55,56) for the tire is mounted for vertical translation, the support ensuring on its own the holding and rotation of the tire about an axis of the tire by being in contact with the tire

solely via a toric section of the tire, the toric section being arranged substantially vertically when the tire is installed on the machine (Figs. 1,2); Regarding Claim 2, the support for the tire has first means (55) for supporting the tire, second means for holding and spreading the beads (124) of the tire and third means (110) for supporting and rotating the latter about its axis, these three means forming a triangulation system guaranteeing the grasping of the tire and its stable holding in the working position of the machine; Regarding Claim 3, the first means for supporting the tire comprises at least one freely rotating roller (55), the third supporting means comprises a motorised roller (110), the axes of these rollers being mutually parallel and situated in horizontal planes, and the second means comprises arms (115) with axes perpendicular to those of the rollers, the projection of the free ends of the arms, of the center of the motorised roller and of the center of the free roller onto a vertical plane perpendicular to the axis of the rollers forming a triangle; Regarding Claim 4, the second means comprises arms with axes perpendicular to the upright of the frame, the arms(115) being laterally translatable and each free end of which is displaceable transversely relative to the frame; Regarding Claim 5, the two arms (115) are synchronized so as to come closer to or move away from each other simultaneously and symmetrically during lateral translation and during transverse movement; Regarding Claim 6, the arms possess respectively a free end bearing a system with three fingers (124,124,113)for gripping and spreading the beads of the tire to be presented (Fig. 2); Regarding Claim 7, each system of fingers includes two fingers (124) for spreading the tire beads, extending substantially in the transverse direction, and a third finger (113) for positioning the system of fingers relative to the tire, arranged vertically between the other two and extending in the lateral direction; Regarding Claim 8, the first means (55) is arranged vertically above the third means and

transversely nearer to the upright than the third means (110), free ends of the second means being vertically arranged between the first means and third means (Fig. 2, up position); Claim 9, the third means is arranged vertically above the first means and transversely nearer to the upright than the first means, free ends of the second means being vertically arranged between the first means and third means (Fig. 2, lowered position); Claim 10, the first means comprises two freely rotating rollers (55,84), mounted respectively on one of the ends of a lever itself mounted so as to rotate freely on the support the respective axes of rotation of the rollers and of the lever being mutually parallel; and Regarding Claims 11-14, use of the machine for inspecting, buffing, repairing and applying semifinished products or coverings to the inside/outside of a tire (col. 1, lines 8-13).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John C. Hong whose telephone number is 571-272-4529. The examiner can normally be reached on M-F(07:00-16:30)First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John C. Hong  
Primary Examiner  
Art Unit 3726

jh  
16 May, 2005